

RECEIVED  
CENTRAL FAX CENTER

003/012

FEB 28 2006

Application Serial No. 09/675,992

**REMARKS**

1. Applicant thanks the Examiner for the Examiner's comments, which have greatly  
5 assisted Applicant in responding.

2. **35 U.S.C. §103(a).**

I. The Examiner maintains her rejection of Claims 19, 21-25, and 36 under 35  
10 U.S.C. §103(a) as being unpatentable over Boston *et al* (herein Boston) U.S. 4,812,628  
in view of French *et al* (herein French) U.S. 6,282,658.

Applicant respectfully traverses.

15 Applicant has nevertheless amended independent Claim 19 to further clarify the  
invention.

(a) Regarding Claim 19, a computer-implemented method is claimed for processing  
a request for a transaction, comprising the step of:

20 Responsive to receiving said request, determining a transaction score that is based on  
the first set of transaction data and that is indicative of a level of risk associated with the  
transaction.

25 The Examiner asserted that Boston discloses such in (col. 5, lines 66 – col. 6, line 4 and  
col. 6, lines 57-68). The Examiner also stated that the Examiner interprets "risk  
assessment value" to be a form of "transaction score."

(i) In col. 5, lines 66 – col. 6, line 4, Boston simply teaches that the issuer compares  
30 the information sent by the terminal with cardholder information stored in memory, and if

Application Serial No. 09/675,992

the evaluation is favorable, an approval code is sent back to the merchant who would complete the transaction and if unfavorable, the transaction would be declined.

Specifically, Boston is teaching the issuer comparing information and if evaluation is  
5 favorable then.... Nowhere is it taught a determination of a transaction score. All that  
Boston is disclosing and teaching here is comparison. Comparing is not determining a  
transaction score. To interpret a transaction score is equivalent to comparing  
information is incorrect. Therefore the rejection is improper.

10 Further, nowhere does Boston explain what is meant by 'evaluating.' The only  
functionality mentioned is comparing. To interpret evaluating is a transaction score is  
incorrect because 'evaluating' is too broad. It can mean anything, or, at best, it can  
mean 'comparing information.' Therefore, the rejection is improper.

15 (ii) In col. 6, lines 57-68, Boston teaches assigning a risk assessment value to the  
cardholder. At the point of a transaction, the terminal reads the card, multiplies the risk  
assessment value times the transaction dollar limit and, based on the result, automatic  
approval is generated or an authorization request is routers.

20 The claimed invention determines a transaction score based on the transaction data  
and in response to receiving the transaction data.

By the Examiner's own admission, the Examiner interprets risk assessment value to be  
a form of transaction score. The Examiner is incorrect. Boston clearly states that risk  
25 assessment value is a value to the cardholder and is read off of the card.

The claimed transaction score is determined in response to receiving the transaction  
data and based on the transaction data.

30 To interpret the claimed transaction score, which by nomenclature is a score for a given  
transaction, as equivalent to the risk assessment value, which is a static value read

Application Serial No. 09/675,992

from the cardholder's card and, by admission is a value "to the cardholder" is incorrect, because these two values do not represent the same entity.

Therefore, the rejection is improper.

5

(iii) Further, the Examiner asserted that Boston discloses the claimed invention's step of:

responsive to the transaction score, performing at least one if:

- 10 terminating the transaction (and cited col. 6, lines 1-4); or  
proceeding with the request for a transaction (and cited col. 6, lines 1-4).

Applicant has since amended such Claim to further clarify the invention.

- 15 The claimed invention generates the transaction score and using it, terminates the transaction, proceeds with the request for a transaction; or obtains additional information from the customer.

- 20 In col. 6, lines 1- 4, Boston discloses if the evaluation is favorable, an approval code is sent back to the merchant who would complete the transaction and if unfavorable, the transaction would be declined.

- 25 As asserted hereinabove, Boston does not define what is meant by evaluation. At best, Boston is referring to the issuer comparing information sent by the terminal with the cardholder information.

- Based on the discussion hereinabove, the information sent by the terminal is not equivalent to, and does not comprise the equivalent of, the claimed invention's generated transaction score. The cardholder information is not equivalent to, and does 30 not comprise the equivalent of, the claimed invention's generated transaction score.

Application Serial No. 09/675,992

Therefore, the rejection is improper.

Boston as a whole does not teach the claimed invention's generating a transaction score.

5

None of the prior art of record, alone or in combination, teach the hereinabove discussed limitations of the claimed invention.

Therefore, in view of the amendment to Claim 19 and of discussion hereinabove,  
10 Applicant is of the opinion that Claim 19 and the dependent claims are in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(b) Regarding Claim 36, a system is claimed for processing a request for a  
15 transaction over a computer network, comprising a transaction-scoring module that receives transaction data and that generates a transaction score based on the received transaction data and a thresholding module that receives the generated transaction score and applies the score to at least one threshold to selectively complete the transaction, terminate the transaction, or obtain additional data.

20

(i) In col. 5, line 60 – col. 6, lines 4, as shown hereinabove, Boston simply teaches that the issuer compares the information sent by the terminal with cardholder information stored in memory, and if the evaluation is favorable, an approval code is sent back to the merchant who would complete the transaction and if unfavorable, the  
25 transaction would be declined.

Boston does not teach the claimed invention's generating a transaction score based on the received transaction data nor teaches applying the generated and received transaction score to complete the transaction or terminate the transaction.

30

Application Serial No. 09/675,992

(ii) In Boston, col. 6, lines 57-68, as shown hereinabove, Boston teaches assigning a risk assessment value to the cardholder. At the point of a transaction, the terminal reads the card, multiplies the risk assessment value times the transaction dollar limit and, based on the result, automatic approval is generated or an authorization request is 5 routers.

Boston does not teach the claimed invention's generating a transaction score based on the received transaction data nor teaches applying the generated and received transaction score to complete the transaction or terminate the transaction.

10

(iii) In col. 3, line 66 – col. 4, lines 17 Boston discloses the terminal includes a processor means for evaluating the transaction based on the risk assessment information carried on the card. Boston discloses if the transaction falls within the parameter set by the issuer. Boston discloses in one embodiment that each transaction 15 terminal is provided with a single dollar transaction limit and that the risk assessment information carried on the card takes the form of a multiplier, and specifically, modifies the dollar limit in the terminal to determine approval.

As shown herein above, the claimed invention uses transaction data and from that data 20 generated a transaction score.

To assert that risk assessment value, which can be thought of as a multiplier, and which is used as a factor in calculating a product, the product being used to make an approval determination, is not equivalent to the claimed invention's taking transaction data from a 25 particular transaction and generating a transaction score, the score used to determine a further action. Therefore, because the terms are not equivalent, the rejection is improper.

For the same rationale, Boston does not teach the claimed invention's applying the 30 score to the at least one threshold. Boston does not generate the score at all.

Application Serial No. 09/675,992

Boston as a whole does not teach the claimed invention's generating a transaction score nor the claimed invention's thresholding module.

None of the prior art of record, alone or in combination, teach the hereinabove  
5 discussed limitations of the claimed invention.

Therefore, in view of the amendment to Claim 36 and of discussion hereinabove,  
Applicant is of the opinion that Claim 36 and the dependent Claim 37 are in allowable  
condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the  
10 rejection under 35 U.S.C. §103(a).

II. The Examiner rejected Claims 20 and 37 under 35 U.S.C. §103(a) as being  
unpatentable over Boston *et al* (herein Boston) U.S. 4,812,628 in view of French *et al*  
(herein French) U.S. 6,282,658 and further in view of Jobber *et al* ("The Prediction of  
15 Industrial Mail-survey Response Rates").

Applicant respectfully traverses.

The rejection of Claims 20 and 37 under 35 U.S.C. §103(a) is deemed moot in view of  
20 Applicant's comments concerning Claims 19 and 36, above. Therefore, Applicant  
respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

3. It should be noted that Applicant has elected to amend the Claims solely for the  
purpose of expediting the patent application process in a manner consistent with the  
25 PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making this  
amendment, Applicant has not and does not in any way narrow the scope of protection  
to which Applicant considers the invention herein to be entitled and does not concede,  
in any way, that the subject matter of such Claim was in fact taught or disclosed by the  
cited prior art. Rather, Applicant reserves Applicant's right to pursue such protection at  
30 a later point in time and merely seeks to pursue protection for the subject matter  
presented in this submission.

Application Serial No. 09/675,992

**CONCLUSION**

Based on the foregoing, Applicant considers the present invention to be distinguished  
5 from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call to discuss the response. The Commissioner is hereby authorized to charge any additional fees  
10 due or credit any overpayment to Deposit Account No. 07-1445.

Respectfully Submitted,

*Julia A. Thomas*

Julia A. Thomas

Reg. No. 52,283

Customer No. 22862

20